

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**CIVIL MINUTES – GENERAL**

Case No. LA CV15-08830 JAK (KSx)

Date August 1, 2016

Title Voice International, Inc., et al. v. Oppenheimer Cine Rentals, LLC, et al.

Present: The Honorable JOHN A. KRONSTADT, UNITED STATES DISTRICT JUDGE

Andrea Keifer

Not Reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) ORDER SETTING PRETRIAL AND TRIAL DATES**ORDER TO SHOW CAUSE RE LACK OF PROSECUTION RE
DEFENDANTS JOHN DANN AND MAKO PRODUCTS**

On June 20, 2016, the Court directed the parties to file a joint report regarding the status of discovery, settlement and an amended Schedule of Pretrial and Trial Dates. Dkt. 44. The Court has reviewed the parties' Joint Report (Dkt. 54) and sets the following dates and deadlines:

TBD:	Last day to participate in a settlement conference/mediation
TBD:	Last day to file a notice of settlement or a joint report re status of settlement
TBD:	Post Mediation Status Conference
August 1, 2016:	Plaintiff to serve invalidity contentions
August 15, 2016:	Last day to amend or add parties
August 15, 2016:	Parties to exchange proposed terms for construction
August 29, 2016:	Parties to exchange proposed constructions and evidence
September 26, 2016:	Claim Construction Discovery Cut-Off
October 3, 2016:	Joint Markman Prehearing Statement Due
October 11, 2016:	Simultaneous Opening Markman Briefs Due

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October 24, 2016:	Simultaneous Responsive Markman Briefs, Tutorials, and Presentation Materials Due
November 7, 2016 at 8:30 a.m.:	Status Conference re Settlement
November 14, 2016 at 10:00 a.m.:	Markman Hearing
December 5, 2016:	Anticipated Ruling to be Issued on Markman Hearing
January 16, 2017:	Patentee's Deadline to File Final Infringement Contentions, Expert Reports on issues Where Patentee has Burden of Proof, All Parties File Advice of Counsel Disclosures
February 13, 2017:	Accused Infringer's Deadline to File Final Invalidity Contentions, Rebuttal Expert Reports, and Opening Expert Reports Where Accused Infringer has Burden of Proof
March 13, 2017:	Patentee's Deadline for Rebuttal Expert Reports on Issues Where Accused Infringer has Burden of Proof
April 10, 2017:	Discovery Cut-Off
May 8, 2017:	Last day to file motions (<i>including discovery motions</i>)
June 26, 2017:	Last day to hear motions (<i>including discovery motions</i>)
July 31, 2017:	Anticipated ruling on all motions
August 28, 2017:	Last day to file all pretrial documents
September 11, 2017 at 3:00 p.m.:	Final Pretrial Conference, Status Conference re Exhibits, and Hearing on Motions in Limine
September 26, 2017 at 9:00 a.m.:	Jury Trial (est. tbd days)

The Court grants the parties' request to participate in a settlement conference with Magistrate Judge Karen L. Stevenson. The parties are ordered to have a representative with authority to make final decisions as to this matter present at the settlement conference and to comply with all orders issued by Magistrate Judge Stevenson with respect to the settlement conference process. The Court defers setting dates with respect to settlement. Counsel shall be prepared to discuss the date by which the parties believe the conference would be the most productive at the November 7, 2016 hearing the on the Motion

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to Dismiss and Motion to Quash.

The Court issues an Order to Show Cause for November 7, 2016 at 8:30 a.m. as to why Defendants John Dann and Mako Products should not be dismissed for lack of prosecution. On July 18, 2016, a Proof of Service was filed with respect to service of the Summons and Complaint on Defendant John Dann. Dkt. 47. A response was to have been filed by July 18, 2016. Pursuant to Rule 55 of the Federal Rules of Civil Procedure, Plaintiff shall file an application requesting the entry of default.

Alternatively, a proof of service has not been filed regarding Defendant Mako Products. In the absence of showing good cause, a defendant shall be dismissed if the summons and complaint have not been served within 120 days¹ after the filing of the complaint pursuant to Fed. R. Civ. P. 4(m). A defendant may be dismissed prior to such time if Plaintiffs fail to diligently prosecute the defendant or action. The Order to Show Cause will stand submitted upon the filing of an appropriate response on or before August 15, 2016. Upon review of the response, the Court will determine whether to proceed with the Order to Show Cause Hearing on November 7, 2016, or whether the response is sufficient and to discharge it. A failure to respond will result in the dismissal of both Defendants.

Counsel for all parties shall comply with this Court's standing orders with respect to documents to be prepared and filed in connection with the Final Pretrial Conference. Dkt. 13.

IT IS SO ORDERED.

cc: Magistrate Judge Karen L. Stevenson

Initials of Preparer ak

¹ The Local Rule was amended in December 2015. For cases filed before January 1, 2016, the complaint was to have been served on Defendant(s) within 120 days after the date it was filed. Plaintiff(s) has 90 days to serve the complaint on Defendant(s) in cases where the complaint was filed on or after January 1, 2016.